IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

RP.No. 65 of 2005(N)

AGAINST THE JUDGEMENT IN WPC.37514/2004 Dated 24/12/2004
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REVIEW PETITIONER/PETITIONER:-

M/S.TACKSUN RUBBERS, MUDAPPALLUR,
PALAKKAD REP. BY ITS PROPRIETOR, K.K.KOCHUGOVINDAN

BY ADV. SRI.V.GIRI

RESPONDENTS:RESPONDENTS:-
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1. **THE KERALA STATE ELECTRICITY BOARD,**
   REP. BY ITS SECRETARY, VYDYUTHI BAHVAN, PATTOM,
   THIRUVANANTHAPURAM.

2. **THE ASSISTANT EXECUTIVE ENGINEER,**
   APTS, KERALA STATE ELECTRICITYBOARD,
   PALAKKAD.

3. **ASST.EXECUTIVE ENGINEER,**
   K.S.E.B.SECTION OFFICE, MUDAPPALLUR.

4. **SENIOR SUPERINTENDENT, KERALA STATE**
   ELECTRICITY BOARD, ELECTRICAL SECTION,
   MUDAPPALLUR.

5. **THE CHIEF ELECTRICAL INSPECTOR,**
   GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

BY ADV. SRI.C.K.KARUNAKARAN, SC FOR KSE BOARD.

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 12/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.K.DENESAN, J.

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R.P. No.65 OF 2005
in
WP(C).No.37514 of 2004-N.

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Dated this the 12th day of March, 2007.

O R D E R

The main ground urged in this Review Petition is against the directions issued by this Court relegating the petitioner to the appellate remedy under Regulation 48A of the Conditions of Supply of Electrical Energy. It is contended that the above direction requires reconsideration, since as on the date of the judgment Regulation 48A aforesaid was not in operation. Counsel for the respondent Board submits that a period of one year was available to the petitioner to invoke to the provisions of the repealed Act, because a Division Bench of this Court has held so, while considering the commencement of operation of the new Act. That means, the review petitioner had sufficient time to invoke the provisions of the repealed enactment. If the petitioner had not resorted to that remedy, it cannot be a ground for reviewing the Judgment.

2. I find force in the submission made on behalf of the respondent Board. The Review Petition is, therefore, dismissed as devoid of merit.

3. I make it clear that the dismissal of this Review Petition is without prejudice to the right of the review petitioner to invoke any other remedy provided under other provision of law.

K.K.DENESAN, JUDGE.

kvs/-